

REMARKS

Claims 1, 2, 4, 11-14 and 19-22 stand rejected under 35 U.S.C. 102(b) as lacking novelty over U.S. Patent No. 6,241,694 to Goulding-Thompson et al.

After careful review, Applicant submits that the Goulding-Thompson reference discloses a substantially triangular hand massage tool comprising a triangular frame (22) for holding in the palm of a hand (col. 2, lines 16-20) having three exterior sides (34), (36) and (38) one of which has an indentation (38) in its central portion for receiving a finger (col. 2, lines 49-60). One corner portion (32) is elongated for giving a deep probing massage and is particularly useful for massaging soles of feet (col. 2, lines 41-48). Depending from the frame (22) are three legs (24) with rounded feet (26), the length of the legs exceeding the thickness of a finger of a user (col. 2, lines 21-24). The tool is apparently used with the feet, one of the external sides or the extended corner (32) in contact with a body to be massaged (col. 2, lines 27-31; col. 2, line 41 – col. 3, line 21) .

Applicant submits that after review and analysis that there is no disclosure in the Goulding-Thompson reference of a hairdressing tool as set forth and claimed in claim 1. Furthermore, there is no teaching or suggestion that the handheld massager of Goulding-Thompson reference to be used as a hairdressing tool. Moreover, there is no teaching or suggestion in Goulding-Thompson et al of a spine, comparable to a longitudinal spine of a fine-toothed comb from which a row of teeth extend as described in the specification of the present application at page 1, lines 11-13. Using an appropriate dictionary definition of a spine, which is “something resembling a spinal column in appearance, place or function; something constituting a main strength, central axis or chief support” (Webster’s Third New International Dictionary, G& C Merriam, 1976) there is also no suggestion in the Goulding-Thompson reference of elongate handle means extending from the spine as Applicant requires and is set forth and claimed in claim 1 for locating in the palm of a hand of the user (page 5, lines 9-10), as also claimed in amended claim 1. There is no suggestion in Goulding-Thompson et al of teeth extending from a spine in a single triangular formation, such that hair passes on each side of a leading tooth and between trailing teeth to separate hairs and facilitate a zig-zag parting as claimed in claim 1.

Furthermore, there is certainly no hint whatsoever in Goulding-Thompson et al that the round-ended feet taught in this reference could be used as teeth to form a parting.

Applicant therefore submits that amended claim 1 is believed to be both novel and unobvious, and therefore patentable in view of the Goulding-Thompson et al patent and the distinguishing features include at least the elongate handle means from the cited massaging tool with an extended corner for deep massaging, which extended massaging corner the Examiner appears to equate with the claimed elongate handle means.

If claim 1 is patentable over the prior art of record, then so too are all claims dependent on claim 1.

Claims 5 and 6 are rejected as being obvious in the light of a combination of Goulding-Thompson et al and US 2006/0142678 (Hecht et al).

Hecht et al has an application date of December 28, 2004 and was published on June 29, 2006 and therefore we submit it does not constitute prior art to the present application which has an application date of May 4, 2004, and therefore cannot validly be cited to demonstrate that claims 5 and 6 are obvious. Even if Hecht et al were citable, the Goulding-Thompson et al reference has already been distinguished and there is no suggestion in the Hecht et al reference of an enlarged, or dome-shaped, tip of a tooth of a hairdressing tool, as claimed in claims 5 and 6 respectively.

Claims 9, 15 and 16 stand rejected as obvious in the light of Goulding-Thompson et al and the knowledge of a person of ordinary skill in the art. As these claims depend from a base claim believed to be patentable, said rejection is submitted to be moot.

Claims 17 and 18 are rejected as being obvious in the light of a combination of Goulding-Thompson et al and U.S. Patent No. 3,831,592 to Lancellotti et al. Lancellotti et al discloses a "trigger point instrument" for chiropractic use having a first leg moveable with respect to a second leg so that a spacing between the legs is adjustable to conform to a thickness or width of a spine for probing both sides of a spine simultaneously. In the Office Action, it is suggested that it would be obvious to combine the adjustment mechanism of Lancellotti et al with the handheld massage

tool of the Goulding-Thompson reference. However, as indicated above in relation to claim 1, it is submitted that such a combination would at best result in a handheld massage tool with variable spaced legs but would not result in the hairdressing tool of claims 17 and 18.

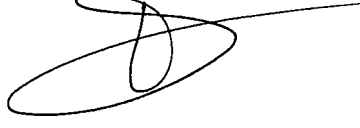
It is noted that the independent method claim 23 is acknowledged to be patentable. It is therefore submitted that new dependent claims 24-40, which have basis in the current apparatus claims, also set forth and claim patentable matter.

In view of the aforementioned claim amendments and the reasoned arguments supplied in support of same, it is respectfully submitted that allowable subject matter has been defined in all of the claims before the Examiner.

Favorable reconsideration and early issuance of the Notice of Allowance is earnestly requested. If the Examiner should have any queries, the Examiner is invited to contact the Applicant's undersigned representative.

Respectfully Submitted,

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Timothy J. Keefer, Reg. No. 35,567

SEYFARTH SHAW LLP
131 S. Dearborn Street
Suite 2400
Chicago, Illinois 60603-5577
Telephone: (312) 460-5000
Facsimile: (312) 460-7000

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Deborah E. Dudek
Deborah E. Dudek